

From: [Pat Moran](#)
To: [Licensing Staff](#)
Subject: Port of Waterford Dredging Application S0012-05
Date: Sunday 24 March 2024 18:10:05
Attachments: [acompaning 2 pages dredging.pdf](#)
[Dredgingmaps2022.pdf](#)
[dredging240324 \(1\).docx](#)

Dear Sir or Madam

Please find my submission as attached below.

Regards

Pat Moran

Pat Moran

22/03/24

Ref: EPA – S0012 - 05

Dear Sir/ Madam

Re – Application by the Port of Waterford company for a dumping at sea permit (Licence) for the dumping of **1 Million wet tonnes annually for an 8 year period**. The application covers dumping outside of the estuary (Dump site) along with dumping inside the estuary SAC. My submission is a brief summary of why I believe the Port of Waterford companies' application S0012 – 05 should be returned by the EPA and on re-application should have a requirement to complete Stage 3 of the NIS attached.

1/ Page 16 of Irelands 4th National Biodiversity Action Plan 2023 – 2030 – attached.

The Waterford estuary SACs biodiversity must be in the most disastrous state of all the SACs referred to on Page 16 of all the SACs in Ireland. Extinction is hanging over the majority of species within the estuary with EPA Licences – accumulative effect of EPA Licences being a big factor in the situation.

2/ Baseline as regards biodiversity, fish stocks, Shellfish beds and Aquaculture. The baseline is set recently and does not address the fish stocks and Shellfish beds that supported commercial fishing – fishing villages of Waterford harbour no longer there. Also the application does not adequately address Shellfish Dieback and whether potentially there is a link with Dredging (Plough Dredging) either on its own or in combination with pollution caused by other EPA Licences and events to Aquaculture at Woodstown, the Natural Mussel beds – Aquaculture beds at the Barrow Bridge, Ryans Quay and Athurstown and whether they can ever be restored, if a new Dredging Licence is given?

3/ Carters Patch Turbidity Buoy – Page 6 of the fish report the Carters Patch Turbidity Buoy positioned as it is on the Shellbourne Bank (Coolya Mud) at that location it would be incapable of giving Turbidity readings for Carters Patch or anywhere else in the estuary.

4/ Cheekpoint Harbour access – Dredging is required to be carried out by the Port of Waterford by a High Court order into the community quay and harbour at Cheekpoint from the Port of Waterford created sediment Sink (0.8ha according to the Port of Waterford). This application has an increase from 0.8 to 2.84ha to accommodate a

private pontoon at Cheekpoint (Cheekpoint Boat owners association). Clarification is needed from the EPA on their letter of 10/10/2022 to the Port of Waterford on the withdrawal of application S0012 – 04 see attached.

Clarification is also needed as to whether the EPA can grant an increased Dredging Licence due to the flawed Natura impact statement that accompanied the Pontoon application through Planning and Foreshore Licence stages.

5/ The Cheekpoint lower bar area extension of Dredging current 8.4, proposed 16.53 doubling the area referred to in the Plough tracks figure 1 – Plough tracks from 2017? Along with doubling the nearby Cheekpoint Harbour access from the Port created sink location. The application does not address the groynes on the extension of Dredging at the Cheekpoint Lower bar and the extension of Dredging at the Cheekpoint Harbour access, continuous Plough Dredging from a Sink location must surely create a new Sink location somewhere else.

6/ Items not covered that should be covered.

Massive erosion from Woodstown to Passage East. The Mussel bank disappearance from Passage out to the Spit Light potentially caused by the Dredging along with potentially being a factor in future Dredging.

The Port of Waterford's master plan – a potential increase in future Dredging.

The effect on National Monuments of Port works Dredging?

Is there an alternative to the continuous conflict with Nature and the natural environment that the port of Waterford's Dredging campaign. Now being exasperated by more Plough Dredging with the only prospect being that of increased areas and increased amounts to achieve the same result another EPA Licence to be granted where the Natural Environment, Biodiversity – Species of Waterford estuary, SACs joining the Fishermen – Shellfish producers in being seen as surplus to requirements in an issued E PA Licence.

In view of the fact the application S0012 – 05 includes the three extensions in S0012 – 04 (withdrawn). I also include my submission for application S0012 – 04 dated 11/03/22 (including Dredgingmaps 2022 e mail attachment) along with Page – 16 of the 4th National Biodiversity action plan. EPA letter to the Port of Waterford dated 10/10/2022 (as e mail attachment **acompaning 2 pages dredging.pdf**).

Yours sincerely

Pat Moran

11/03/22

Ref – FW.7.21 Port of Waterford Company – Dumping at Sea Permit at Waterford Harbour

EPA Ref – S0012 - 04

Dear Sir/ Madam

As Ploughing is categorised as a Dumping and Dredging Operation rather than a Loading Operation – Dumping is the overriding factor

The application gives coordinates for the Dumping and Dredging, whereas the modelling gives the Dumping area from Buttermilk point to Little Island. As a complete assessment has not been done for the entire Dumping site, for habitat, biodiversity and for species that live in the area, dwell in the area for prolonged lengths of time and or migrate through the said area. This assessment should be done immediately.

This area is part of a Special Area of Conservation (SAC) and Shellfish Designated Waters protected by directives and contains two natural occurring bottom Mussel Beds (dormant from Fishing) that lie within the Dumping area which have not been mentioned or referenced. Why as the waters are Designated Shellfish Waters (See Department of Marine Map with positions attached). On account of being dormant from Fishing the Mussel Beds should now show at least 1,000 tonnes of Mussels on each bed. When the Mussels were fished by the Co-op the yearly harvest was documented at 1,000 tonnes yearly for the Ryan's Quay bed. See also attached picture of Mussels off the ground at the Cheekpoint Tide Mark.

A comprehensive yearlong study should take place to establish the number and abundance of species present to be compared with the 2009 EIS for Great Island Power Station which is in the general area, alongside and overlapping the Dumping and Dredging application along with an assessment of the natural occurring Mussel beds in the area from Little Island to Buttermilk Point.

Monitoring, Modelling, Surveying, Assessment

Where there is decline- demise – extinction of habitat, biodiversity and species as in the Waterford Estuary, does the relevance and value of Monitoring, Modelling, Surveying, Assessment as it is carried out at the present need to be examined?

1/ This Dredging – Dumping Licence

1tonne dumped causes the same effect as 10,000 tonnes or 40,000 tonnes and can only barely be found above background levels at Monitoring stations.

2/ The Power Station Licence at Great Island

1tonne of Chlorine is the same as thousands of tonnes of Chlorine. When discharged no effect and it cannot be detected in the water.

3/ The Duncannon Beach Report

The water at Duncannon Beach is excellent and has been excellent since 2014, even though the outfall of untreated sewage from Duncannon village is less than 50 metres from the beach and the beach is below Arthurstown and Ballyhack also discharging untreated sewage. Monitoring, Modelling, Surveying, Assessment has been carried out for all three licences. Two licences need not have any conditions as there is no effect no matter how many tonnes are involved. The Beach Report poses a question as to why Sewage Treatment is needed as the Beach water alongside the untreated discharge is excellent while the rest of Waterford Estuary is either- Moderate, Poor or Very Poor, and is not able to support Shellfish survival on the opposite bank of the Estuary. Monitoring, Modelling, Surveying, Assessment are telling one story (no problems) while Species, Habitat, Biodiversity are telling another. Waterford Estuary and Shellfish protected waters can no longer qualify or be classed as an SAC with Shellfish Protected Waters.

Where does the Dredging and Dumping at Cheekpoint Lower Bar fit in to the Port of Waterford's Master Plan 2020/2044 ?In the plan a river training wall is proposed for that area. See attached pages

The application states the Port as not needing additional tonnages only an extension of the area. Additional area means additional Dredging and Dumping in the Dumping area. Buttermilk Point to Little Island, where does the additional tonnage, come from within the licence? Was there a mistake and is there over capacity that allows the area to be doubled and the licence not to be effected as regards tonnages or are the tonnages being moved around the licence or is the emergency tonnage earmarked within the licence being used?

Cheekpoint Harbour – Dredging and Dumping what sort of issues are here?

Permission for a Gangway and Pontoon at Cheekpoint Quay has been granted with the Port of Waterford Company being heavily involved in the planning application for

the Pontoon and in a Natura statement that accompanies the application Waterford City and County Council File No 20217

Nowhere in their letters from the Waterford Port Company within the planning file or in the Natura statement does it mention that extra Dredging and Dumping was needed on account of restricted access to the Pontoon and the Quay in fact a totally opposite view was put forward in the planning application to Waterford County Council and An Board Plenala as to what is on page 24 of this application

The application Ref No F5007053 is still with the Department of Housing, Local Government and Heritage, Marine and Foreshore Section. Also there is a High Court order in place to ensure unrestricted access to Cheekpoint Pier that is being changed and altered without referring to the High Court. What is the legal position on the decision to grant planning with conflicting information and for Dumping and Dredging in this area?

Since 2019 Ploughing has been undertaken more regularly at Cheekpoint Lower Bar this prevents sediment from consolidating in the area as it keeps fluid material moving on the tides. This methodology changes the dynamics of the licence as the composition of the material dredged and dumped is now 100% fluid material (slop). Why is the Monitoring not picking up more in the Dump site between Buttermilk Point and Little Island? Why has the Monitoring not picked up the increase in turbidity 2 hours and twenty minutes after high tide and around the same on the flood tide after low water on the Spring tides? Turbidity does not remain the same during all the ebb and flood, Ploughing should only take place when natural turbidity is high when it does not add significantly to the background levels.

The Beach erosion that has happened at Woodstown and the entire way to Passage has gone unseen. The small area referred to as present at the Southern part of Passage Strand referred to locally as the Mussel Bank and where Ragworm would be got has also gone unnoticed. Mussels and Mussel Beds throughout the estuary have also gone unseen or unnoticed along with Oysters and how many other species?

Shellfish Dieback all around the Harbour, mortalities in Mussels and Oysters, cause unknown, consequences unknown with the EPA's main function now appears to be the Mapping and Recording of the decline and demise of Habitat, Biodiversity, Species and Water Status.

See attached additional information for positions of naturally occurring Mussel beds along with position of Cheekpoint mark with Mussels in 2015 as it should and how they should not be 2020.

Yours sincerely

Pat Moran

IRELAND'S 4TH NATIONAL BIODIVERSITY ACTION PLAN 2023-2030

Ireland is home to globally important populations of birds, fish, mammals, invertebrates, plants and fungi across a wide range of terrestrial, freshwater and marine habitats. The seas and coasts surrounding our island support vast colonies of seabirds, abundant fish and cold-water coral reefs, whales and dolphins, as well as rich algal and invertebrate communities. On land, there is a wealth of species in our mountains, peatlands, turloughs, woodlands, grasslands, lakes, rivers, and coastal habitats. Over 31,000 species have been recorded in Ireland and its surrounding seas and many more have yet to be discovered.

However, despite this rich tapestry, our biodiversity is in trouble.

Scientific studies have shown that 85% of our most precious EU-protected habitats are in unfavourable status. Almost half (46%) are demonstrating ongoing declines, particularly notable in marine, peatland, grassland and woodland habitats, with only 2% improving over a 12 year period (NPWS, 2019). Almost a third of our semi-natural grasslands have been lost in the last decade, while half of our rivers and two thirds of our estuaries are not in good ecological health (Martin *et al.*, 2018; EPA, 2021).

These impacts are attributable to a wide range of threats and pressures, including overgrazing, undergrazing, land abandonment, water and air pollution, alien and problematic species, recreation, development (particularly residential, agricultural and commercial), land drainage, urban wastewater, river barriers and the modification of coastal areas.

Ireland's population of Corncrake had declined by over 96% since the 1970's. The Corncrake/Traonach LIFE project works with landowners to implement measures which are effective in improving the bird's habitat. This includes the creation of large patches of nettles or crops for them to hide in and wildlife-friendly mowing to enable them to raise broods of chicks in safety.

- 35% population increase over the past five years
- 250 farmers and landowners managing 1500 hectare of lands for corncrakes



Corncrake



In addition to species-specific threats and pressures such as overfishing or over-exploitation, declines in habitat quality are having negative impacts on the wildlife that lives, feeds and breeds in them. This is borne out in the data:

- 30% of our 60 EU-protected species are in unfavourable status, with 15% demonstrating declining trends (NPWS, 2019).
- Over half of native Irish plant species have declined in range and/or abundance (Plant Atlas, 2020).
- More than half of Ireland's 100 bee species have seen substantial declines in numbers since 1980, with 30% of species threatened with extinction (Fitzpatrick *et al.*, 2007).
- The latest review of Birds of Conservation Concern placed 26% of 211 bird species assessed on the Red list, i.e. considered to have a high conservation concern (Gilbert *et al.*, 2021). This assessment includes a range of national and global criteria.
- 21% of breeding and 52% of key wintering bird species were reported to have short term declining trends in 2019 (www.eea.europa.eu).
- Extinction threatens 48 species living in the Irish marine environment, including fish, crustaceans, shellfish and invertebrates (Fogarty, 2017).

In contrast, 80% of non-native species introduced to Ireland since the year 1500 have increased. While most are benign, some have become invasive, such as Himalayan balsam, Japanese knotweed and rhododendron, with negative impacts on native flora and fauna.





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10 October 2022

Reg No S0012-04

Dear Captain Moriarty

Re: Withdrawal by Port of Waterford Company of Dumping at Sea Permit application in respect of Permit Reg No S0012-04.

We are to refer to your correspondence of 6 September 2022, notifying the EPA of your wish to withdraw your Dumping at Sea Permit application which was received by the Agency on 3 February 2022.

The Agency hereby acknowledges that you have formally withdrawn the above referenced Dumping at Sea Permit application and our records have been updated to reflect that this application is regarded as being formally withdrawn. That being the case, it is no longer the function of the EPA to consider any documentation received by it which relates to the above application.

It should be clearly understood that the onus for lodging an application with the EPA rests with the person carrying on the activity. It should also be noted, for future reference, that it is an offence liable to prosecution to carry on an activity which requires a licence in the absence of such a licence.

Yours sincerely

Environmental Licensing Programme
Office of Environmental Sustainability

cc Mr Colm Sheehan, Anthony D Bates Partnership LLP

PORT OF WATERFORD MASTERPLAN 2020/2044.

10 Development proposals

The options considered for port development are shown in the Figure below.

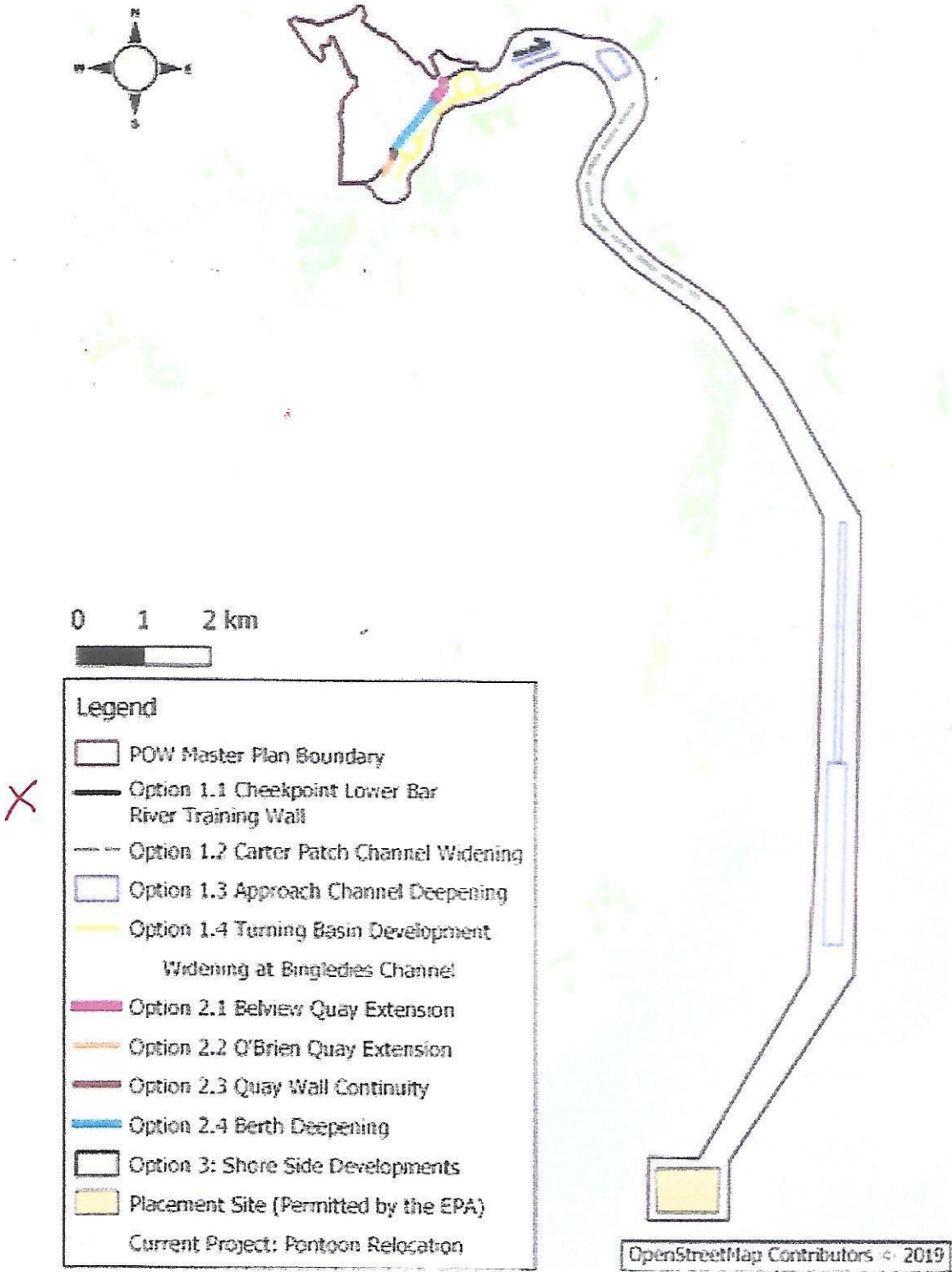


Figure 8: Current and proposed development projects for review

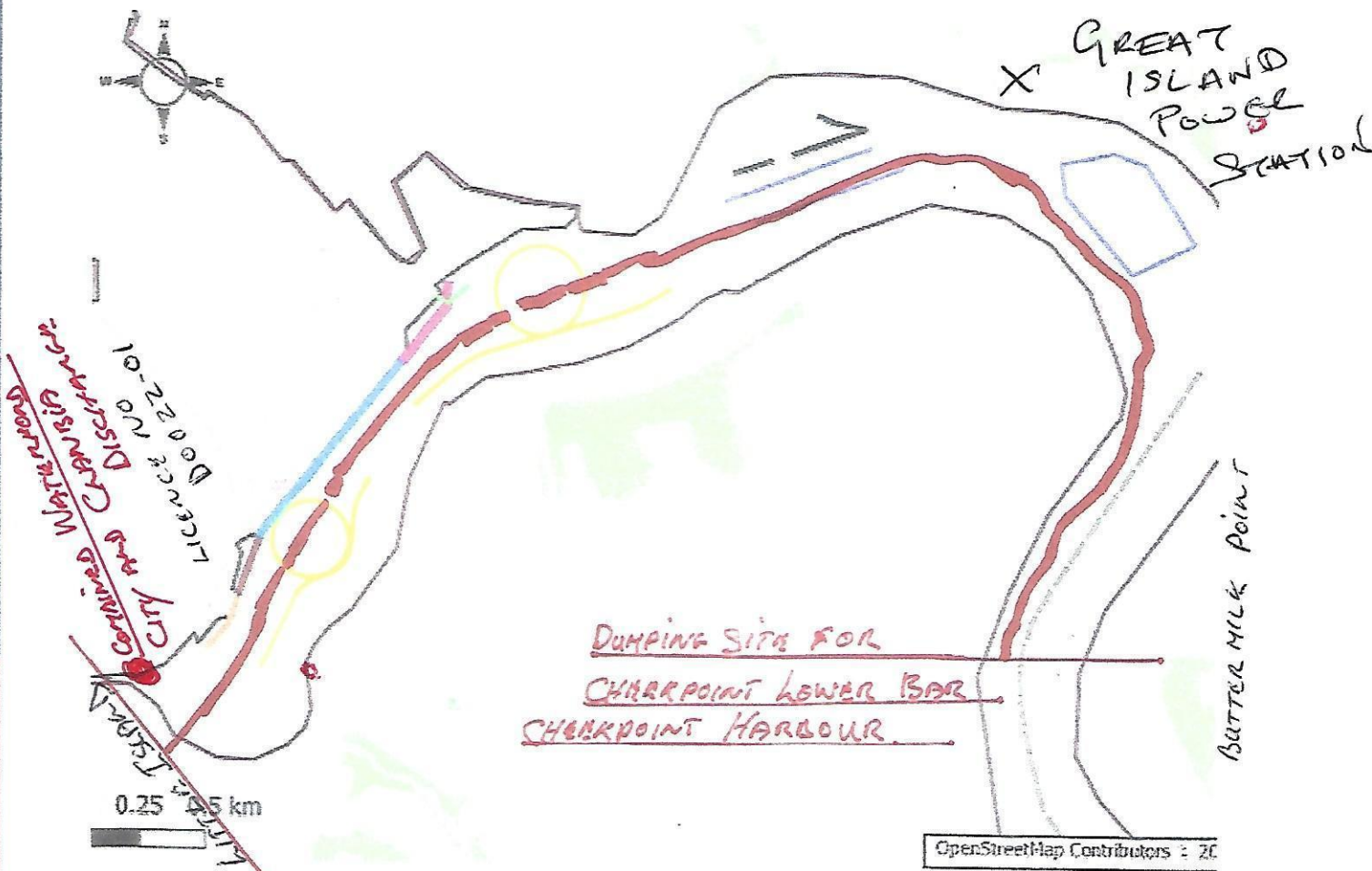


Figure 9 Details of proposed Masterplan Projects at Belview

10.1 Options to minimise maintenance dredging and improve marine access

Option 1.1 - Cheekpoint Lower Bar River Training Wall

This will help to minimise future maintenance dredging requirements by controlling and reducing sedimentation. The project envisages the construction of two lengths of sheet piled training wall, one a vee shaped wall approximately 495m long and the other a straight wall 130m long. The proposed layout of the sheet piled training walls is shown in Figure 10 below and a photomontage of the proposed sheet piled walls at low and high tide is shown in Figure 11 A and B.

FIG 2

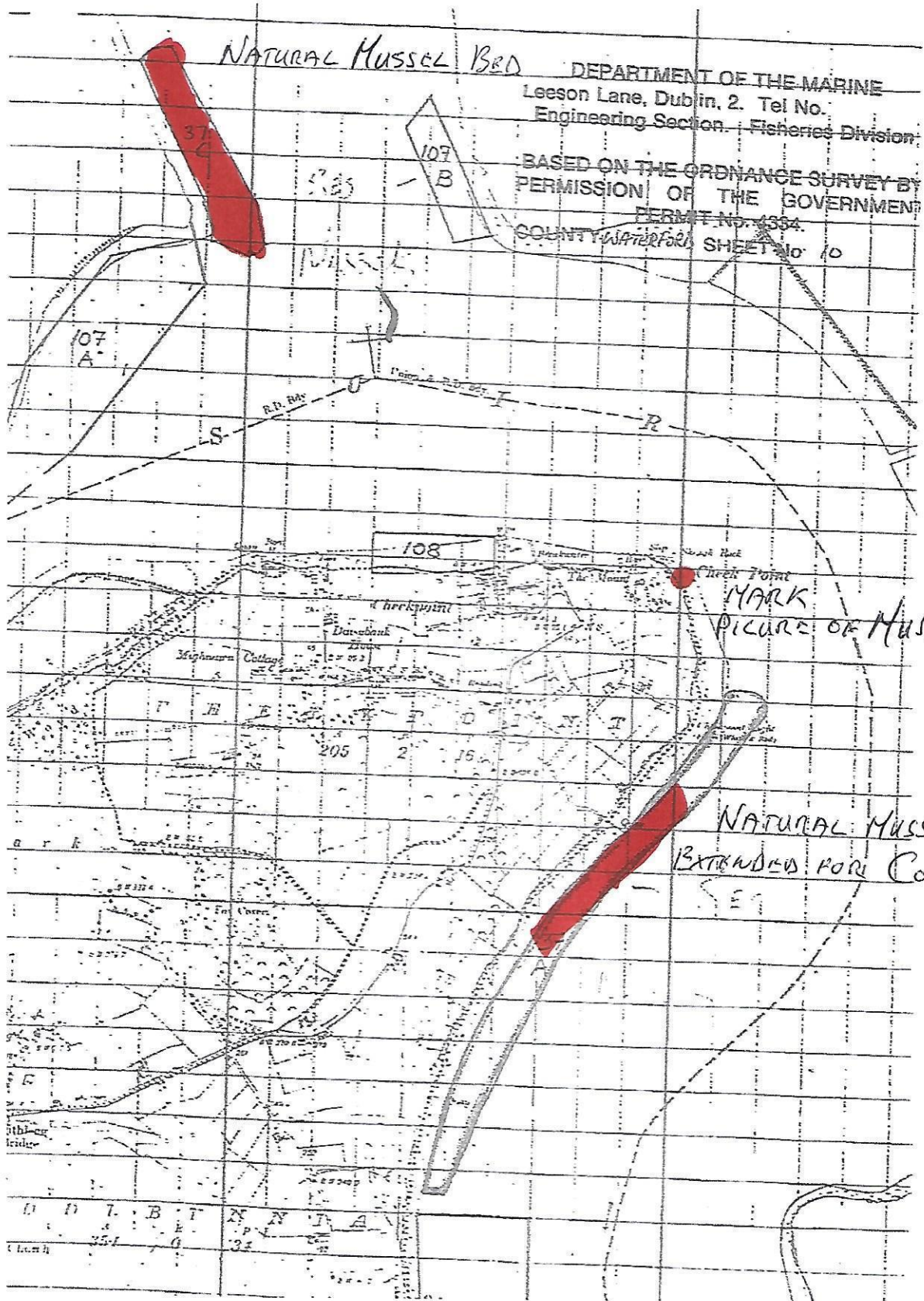
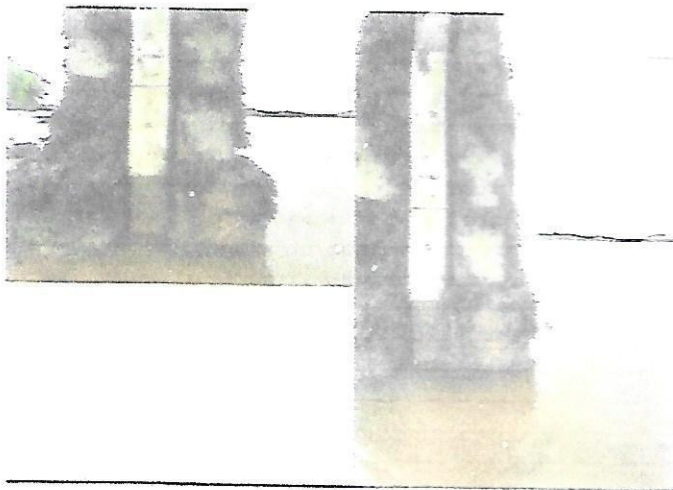


FIG 1



2015 ← MUSSELS.



2020 NO MUSSELS W.

**Evidence of Changes to Marine Environment
(Shellfish Dieback) at Cheekpoint**